



July 5, 2020

Dear Brothers and Sisters,

Our Union initiated an Unfair Labor Practice (ULP) Strike against Asarco in October 2019. For nearly nine months our members have stood strong on the picket line, continuing our campaign for a fair contract even in the middle of a national health emergency. During our strike, Asarco claims to have hired hundreds of “permanent replacement” workers to fill the jobs of striking union members.

On June 15, the National Labor Relations Board (NLRB) issued a sweeping complaint against Asarco alleging numerous violations of federal labor laws, including an overall failure to bargain in good faith with the Unions, illegally declaring an impasse in negotiations and unilaterally implementing changes to the working conditions.

The NLRB complaint also alleges the striking employees have been on an Unfair Labor Practice Strike.

In light of the NLRB’s decision to prosecute Asarco for alleged violations of federal labor laws, we believe that our greatest bargaining leverage is to end the current ULP strike and make an unconditional offer to return to work. The Union has informed Asarco of this decision and has said that the strike and all picketing activities will end on Monday, July 6, 2020 at 8:00 a.m. Arizona time and 10:00 a.m. Texas time. The Union has offered to meet with Asarco about the manner in which the return-to-work would be accomplished.

Under existing NLRB case authority, if ULP strikers end their strike and make an unconditional offer to return to work, the company is supposed to return them to their pre-strike jobs, or, if pre-strike jobs have been changed, to similar jobs. If a company refuses to reinstate the returning ULP strikers based on the company’s claim they have been permanently replaced, the returning ULP strikers are entitled to potential backpay from the company. The potential backpay adds up for every day that the company refuses to make a lawful reinstatement offer to ULP strikers. In addition, for any strikers who are returned to work, the Company will owe damages to workers who are forced to work under the Company’s unlawfully implemented offer, including for the higher insurance premiums that are part of that offer.

We don’t know how Asarco will respond to our unconditional offer to return to work. However, we all know that Asarco only cares about money. By ending the strike and making an unconditional offer to return to work, we create the conditions for potential backpay if the Company refuses to reinstate the returning ULP strikers and we are successful in our NLRB case against Asarco.

Your bargaining committee believes that by creating the potential for economic damages that will grow each and every day, we are improving the conditions where Asarco will finally return to bargaining with an intent to negotiate in good faith for a collective bargaining agreement acceptable to our members.

Critically, by making an unconditional offer to return to work we would also eliminate the Company’s opportunity to hire more “permanent replacement workers.” This move protects our members and thwarts what appears to be a key part of Asarco’s strategy. If Asarco insists on denying that the strikers have been on a ULP strike, then it’s likely that the Company will keep the so-called permanent replacements and place all, or most of the returning strikers on a preferential recall list. Members placed on a recall list

would effectively be laid off and should be eligible for unemployment benefits in both Arizona and Texas. The Union will provide legal support for its members' unemployment claims if Asarco contests eligibility.

While we have made an "unconditional offer to return to work", this does not mean we have accepted the Company's unilaterally implemented so-called "last, best and final offer". We go back to work without an agreed Basic Labor Agreement (BLA) between the Company and the Unions. The phrase "unconditional offer to return to work" is necessary to trigger the Company's obligation to reinstate our returning ULP strikers.

While ending the strike means taking down our picket lines, we can and will continue to exert pressure on the Company through all legal means. The NLRB's June 15 complaint will remain and the NLRB will schedule a hearing when possible. We will file additional ULP charges if the Company refuses to reinstate the returning strikers or stands by the illegal implementation of its last contract offer or commits other ULPs. We will continue our ongoing outreach to elected officials, investors, the media and the community demanding accountability from Asarco. We will also continue with public protests of Asarco's greed while following public safety and health guidelines in our communities.

Given the prolonged nature of the legal process, and Asarco's history of delay and obstruction, we believe that the best strategy in the wake of the NLRB's complaint is to start the potential back pay meter running with an unconditional offer to return to work.

We will continue to keep you informed of all future developments. We will use every tool at our disposal to continue to apply pressure on Asarco until we obtain justice for all of you and your families.

In solidarity,

*Thomas M. Conway, Int'l President*

*Gaylan Z. Prescott, Director, District 12*

*Ruben Garza, Director, District 13*

*Manny Armenta, Sub-District 2 Director*

*Jose Loya, Staff Representative*

*Greg Romero, President, LU 886*

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*Eduardo Placencio, President, LU 937*

*Lyle Murphy, President, LU 5252*

*John Saavedra, President, LU 5613*